APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/489,597	01/20/2000	Evgeniy M. Getsin	IACTP017	6029

22242 7590 10/18/2005		EXAMINER
FITCH EVEN TABIN AND FLANNERY		BASHORE, WILLIAM L
120 SOUTH LA SALLE STREET		

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 10/18/2005

FITCH EVEN TABIN AND FLANNERY
120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		09/489,597	GETSIN ET AL.
		Examiner	**Art Unit**	
		William L. Bashore	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _04 August 2005_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-18_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-18_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _8/31/05, 9/2/05_. , 9/3/04, 10/27/04, 1/28/05

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: Request for Reconsideration (hereinafter the Request)

filed 1/25/2005, to the original application filed **1/20/2000**. IDS filed 9/26/2001 (as paper 7), also IDS filed

3/15/2004, 4/5/2004, 4/12/2004, 4/14/2004, 9/3/2004, 10/27/2004, 1/28/2005, 3/31/2005, 8/31/2005, and

9/2/2005.

2.   Claims 1-18 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts.

3.   Claims 1-18 pending. Claims 1, 7, 13 are independent.

Claim Rejections - 35 USC § 103

4.   **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness**

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   **Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts et al.**

(hereinafter Roberts), U.S. Patent No. 6,161,132 issued December 2000.

     In regard to independent claim 1, Roberts teaches synchronization of entertainment media to musical

CD recordings within client devices in a network chat room environment, utilizing plug-ins (Roberts column 2

lines 19-26, column 6 lines 61-67, column 7 lines 10-24; compare with claim 1 *"A method for identifying*

playback devices of a plurality of client apparatuses which are networked to simultaneously playback an event,

comprising the steps of:"

Roberts teaches a chat server requesting a user insert a CD into his/her player, resulting in

communication of the CD's unique identifier to said server, ultimately resulting in the opening of a chat room

for eventual CD synchronization of other client devices (Roberts column 7 lines 15-37 to column 8 lines 14;

compare with claim 1 *"receiving requests prior to a start time from each of the client apparatuses to*

simultaneously playback the event").

Roberts teaches a command plug-in for aiding in the playing of a musical recording, said plug-in gathers

information regarding the capabilities of the client's CD drive, therefore determining the type of drive (i.e. 2x,

4x, etc.) (Roberts column 4 lines 1-16). Roberts also teaches said embodiment controlling devices other then

audio CDs (i.e. DVD, etc.) (Roberts Abstract, column 2 lines 5-10) (compare with claim 1 *"identifying a type of*

the playback device of each of the client apparatuses").

Roberts teaches a remote host initiating actions on a client device, as well as said host becoming aware

of user initiated actions on said device (i.e. CD player buttons, etc. (Roberts column 2 lines 5-26). In order for

said host (i.e. server or chat server) to become aware of the client device controls, the command data regarding

said controls must be made available to the host (compare with claim 1 *"looking up a command associated with*

the identified type of the playback device").

Roberts teaches synchronization of CD playback associated with a chat room (Roberts column 7 lines

15-37 to column 8 lines 14). If a chat room exists and is open with another client, the server will allow joining

and synchronizing of a user's CD with the other client.

It is additionally noted that a chat room must ultimately start at some point in time, and prior to chat

room participation/synchronization, Robert's chat server requests a user insert a CD into his/her player to

communicate the CD's unique identifier (see above).

Although a predefined threshold period of acquisition can be defined as the time during the active

participation of said chat room (the time duration of the chat room), alternatively the predefined threshold period

can also be interpreted as the time between initial communication of said identifier, and the ultimate starting

point of the simultaneous playback of an event (the chat room) (compare with claim 1 *"determining whether*

each request is received during a predetermined threshold period prior to the simultaneous playback of the

event").

Roberts teaches a chat host using the commands of a client device for synchronizing the display of

content using a unique identifier (of the CD), as well as synchronization of participating client CDs by

comparing and synchronizing information (i.e. start times, audio volumes, etc.) between devices during a chat

room session using plug-ins (Roberts column 6 lines 60-67, column 7 lines 10-37 to column 8 lines 1-2).

Roberts does not specifically teach said synchronization of client devices based upon analyzing device type

capabilities, as claimed. However, Roberts teaches a plug-in which collects capabilities about a CD drive

(Roberts column 2 lines 1-18, column 4 lines 1-16). It would have been obvious to one of ordinary skill in the

art at the time of the invention to apply the plug-in analyzing CD capabilities and controls, to Robert's chat

room embodiment, providing the analysis of device type commands for chat room CD device synchronization,

providing Robert's the benefit of synchronization of audio CD devices with a wide array of different

characteristics (i.e. speed 1x, 2x, 4x, 8x, etc.) (compare with claim 1 *"sending the command to the*

corresponding client apparatus for beginning the playback of the event simultaneously with the playback of the

event on each of the remaining client apparatuses....").

Roberts teaches synchronization of CD playback associated with a chat room (Roberts column 7 lines

15-37 to column 8 lines 14). As explained above, if a chat room exists and is open with another client, the server

will allow joining and synchronizing of a user's CD with the other client, therefore the predefined threshold

period of acquisition can be the time during the active participation of said chat room (the time duration of the

chat room). During the chat session, a client may indicate a change (a predetermined point) in the position of the

CD, therefore propagating said change to all other clients accordingly, at a time during the playback of the

event.

Alternatively, however, a predetermined threshold period can be interpreted as the period of time

between initial communication of each CD's identifier, and the ultimate starting point of the simultaneous

playback of an event (the chat room) (see above), therefore the chat room ultimately starts with the CD devices

initially identified during a predetermined threshold period. Accordingly, since chat rooms typically allow user

participation at any point during the chat room's existence, likewise, Roberts allows a new CD device to join in

at any point after the chat room begins. Since this occurs after the predetermined threshold period as

alternatively explained above, the server never receives the new CD device's identifier during said threshold

period (compare with claim 1 *"for those requests received during the....not received during the threshold*

period.").

In regard to dependent claim 2, Roberts teaches both visual and audio presentations (Roberts column

4 lines 58-67 to column 5 lines 1-27).

In regard to dependent claim 3, claim 3 incorporates substantially similar subject matter as claimed in

claim 1, and in further view of the following, is rejected along the same rationale.

Roberts teaches a chat room network for identifying and synchronizing devices as explained in the

rejection of claim 1 above (see also Roberts Abstract, column 6 line 61, to column 7 lines 30).

In regard to dependent claim 4, Roberts teaches the Internet (a wide area network) (Roberts column 1

lines 57-61).

In regard to dependent claim 5, Roberts teaches generation of a unique identifier associated with

musical recordings on a CD, as well as a CD key for entering special Web areas (Roberts column 6 lines 49-60).

Roberts does not specifically teach a client apparatus storing an identifier for identifying a host (i.e. Roberts's

chat room host embodiment does not store host identification in the client device), as claimed. However, since it

is known that chat session synchronization between a chat server and clients involve communication between

said server and all participating clients, Roberts's teaching of said chat room embodiment provides the claimed

equivalent of a host identifier so that two way communication can commence. It would have been obvious to

one of ordinary skill in the art at the time of the invention to interpret Roberts in this fashion, providing a client device of Roberts a key piece of essential information so that the client device knows the identification of the chat server.

In regard to dependent claim 6, Roberts teaches an embodiment utilizing a DVD device (Roberts column 2 lines 5-10).

In regard to independent claim 7, claim 7 reflects the computer program product comprising computer readable instructions used for performing the methods as claimed in claim 1, and is rejected along the same rationale.

In regard to dependent claims 8-12, claims 8-12 reflect the computer program product comprising computer readable instructions used for performing the methods as claimed in claims 2-6, respectively, and are rejected along the same rationale.

In regard to independent claim 13, claim 13 reflects the system comprising computer readable instructions used for performing the methods as claimed in claim 1, and is rejected along the same rationale.

In regard to dependent claims 14-18, claims 14-18 reflect the computer program product comprising computer readable instructions used for performing the methods as claimed in claims 2-6, respectively, and are rejected along the same rationale.

Response to Arguments

6.   Applicant's arguments filed 8/4/2005 have been fully and carefully considered but they are not

persuasive.

Applicant's arguments on pages 2-3 of the Request are substantially the same as those recited on pages

4-5 of said Request, and are directed to the assertion that Roberts does not teach the claimed limitations, based

at least on the examiner's interpretation of how Roberts teaches a "predetermined threshold period". After

further analysis, the examiner notes that an alternative interpretation of a "predetermined threshold period" can

fit within Roberts invention. A predetermined threshold period can be the time from initial communication of a

CDs identifier, to the ultimate starting point of a chat room. Without further clarification of the instantly claimed

"predetermined threshold period" it is well within reason that Roberts can ultimately begin a chat room with a

plurality of devices queued up and waiting. Accordingly, since a device can join Roberts chat room at a point

after it begins, the server does not receive its CD identifier until after the initial threshold period ends.

The examiner has added this alternative interpretation to the instant rejection accordingly. Please note

that the same rejection (35 U.S.C. 103(a)) is maintained using the same reference.

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth

in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the

mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this

final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no

event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this

final action.

8.   Any inquiry concerning this communication or earlier communications from the examiner should be

directed to William L. Bashore whose telephone number is (571) 272-4088. The examiner can normally be

reached on 11:30am - 8:00pm EST.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather

Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application

or proceeding is assigned is 571-273-8300.

9.   Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-

9197 (toll-free).

WILLIAM BASHORE
PRIMARY EXAMINER

October 15, 2005